

AO 91 (Rev. 11/11) Criminal Complaint

Officer:

AUSA:Jonathan Goulding

Mary Riehs

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## UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Juan MERCADO-CRUZ

Aliases: Luis CRUZ

Case No. 2:22-mj-30367

Judge: Unassigned,

Filed: 08-29-2022

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 1, 2022 in the county of Wayne in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

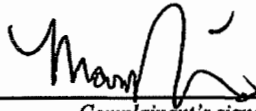
Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about August 1, 2022, in the Eastern District of Michigan, Southern Division, Juan MERCADO-CRUZ, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about October 29, 2014, at or near Hidalgo, TX and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence  
 and/or by reliable electronic means.

Date: August 29, 2022City and state: Detroit, MI

*Complainant's signature*Mary Riehs - Deportation Officer, ICE*Printed name and title*

*Judge's signature*Anthony P. Patti, United States Magistrate Judge*Printed name and title*

AFFIDAVIT

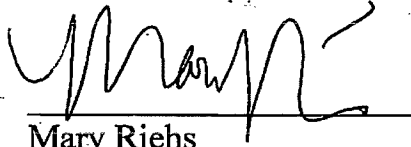
I, Mary Riehs, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with U.S. Immigration and Customs Enforcement (ICE) of within the Department of Homeland Security, having served with ICE since July 2020. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers and record checks of law enforcement databases. I have also reviewed relevant immigration records and system automated data relating to Juan MERCADO-CRUZ, which reveal the following:
2. MERCADO-CRUZ is a forty-two-year-old native and citizen of Mexico who last entered the United States on an unknown date, at an unknown place, without inspection by an immigration officer.
3. On or about February 15, 2009, ICE officers apprehended MERCADO-CRUZ in Pontiac, Michigan, and on or about November 25, 2011, an Immigration Judge ordered MERCADO-CRUZ removed to Mexico. On or about December 19, 2011, MERCADO-CRUZ became an ICE Fugitive, after failing to report for a scheduled appointment at the ICE Detroit field office.
4. On or about January 14, 2014, the 50th Judicial Circuit Court in Pontiac, Michigan, convicted MERCADO-CRUZ for the offense of Operating While Intoxicated Visibly Impaired and sentenced him to 93 days jail.
5. On or about March 31, 2014, ICE officers arrested MERCADO-CRUZ at the Oakland County Jail in Pontiac, Michigan. On or about April 3, 2014, MERCADO-CRUZ was removed to Mexico.
6. On or about October 20, 2014, Border Patrol agents apprehended MERCADO-CRUZ at or near Hebbbronville, Texas and served him with Form I-871 Notice of Intent/Decision to Reinstate Prior Order. On or about October 21, 2014, Border Patrol agents removed MERCADO-CRUZ to Mexico.
7. On or about October 29, 2014, Border Patrol agents apprehended MERCADO-CRUZ at or near Roma, Texas and served him with Form I-871


Notice of Intent/Decision to Reinstate Prior Order. On the same day, Border Patrol agents removed MERCADO-CRUZ to Mexico.

8. On or about July 31, 2022, the Auburn Hills Police Department, arrested MERCADO-CRUZ for the offenses of Controlled Substance-Possess (Cocaine, Heroin, or Another Narcotic) Less Than 25 Grams and Operating with a High BAC. The charges are pending in 6th Circuit Court in Pontiac, Michigan.
9. On or about August 1, 2022, ICE learned that MERCADO-CRUZ was being detained at the Oakland County Jail in Pontiac, Michigan, on the aforementioned charges and lodged an immigration detainer. On or about August 22, 2022, ICE officers arrested MERCADO-CRUZ at the Oakland County Jail. On or about August 23, 2022, MERCADO-CRUZ was served with Form I-871, Notice of Intent/Decision to Reinstate Prior Order. Fingerprint checks confirmed a positive match for Juan MERCADO-CRUZ, DOB: XXXX1980, AXXX XXX 192, a previously removed alien.
10. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any non-citizen entering or attempting to enter the United States, or any non-citizen present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of noncitizens.
11. A review of immigration records (A #XXX XXX 192) for MERCADO-CRUZ and queries in U.S. Department of Homeland Security databases reveal that no record exists of MERCADO-CRUZ obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal from the United States on or about October 29, 2014.
12. Based on the above information, there is probable cause to believe that, on or about August 1, 2022, in the Eastern District of Michigan, Southern Division, MERCADO-CRUZ, an alien, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about October 29, 2014 and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland

Security to re-apply for admission thereto; all in violation of Title 8, United States Code, Section 1326(a).

  
Mary Riehs  
Deportation Officer

Sworn to before me and signed in my  
presence and/or by reliable electronic means.

  
Honorable Anthony P. Patti  
United States Magistrate Judge

Dated: August 29, 2022